

RICHARD B. HERMAN, ESQUIRE
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Attorneys for Defendant RAMON DESAGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAMON DESAGE,

Defendant.

Case No.: 2:13-cr-00039-JAD-VCF

MOTION TO WITHDRAW AS ATTORNEY

COMES NOW Richard B. Herman, Esq., of Richard B. Herman, P.C., and pursuant to Rule 1.16 of the Nevada Rules of Professional Conduct ("NRPC") and Rule IA 11-6 of the Local Rules of the Practice of the United States District Court for the District of Nevada ("LR"), moves to withdraw as attorney for Defendant Ramon Desage (hereinafter "Mr. Desage"). This motion is made and based upon the points and authorities and the Declaration of Richard B. Herman attached hereto, and such argument and evidence as may be presented at the hearing on this motion, should any occur.

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2 Dated this 5th day of October, 2016

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4 Respectfully submitted,
5 RICHARD B. HERMAN, P.C.

6 BY /s/ Richard B. Herman
7 Richard B. Herman, Esquire
8 The Seagram Building
9 375 Park Avenue, Suite 2607
10 New York, New York 10152

11 Attorneys for Defendant RAMON DESAGE
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LAW OFFICES
RICHARD B. HERMAN, P.C.
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**DECLARATION OF RICHARD B. HERMAN, ESQ.
IN SUPPORT OF MOTION TO WITHDRAW**

I, Richard B. Herman, declare in support of this Motion to Withdraw as Attorney
in the above referenced matter:

1. I am an attorney duly licensed to practice before all Courts in the State of
New York. On February 18, 2014, this Court granted my Verified Petition for Permission
to Practice Pro Hac Vice and approving Richard A. Wright, Esq. as Designation of Local
Counsel in this matter. (ECF No. 69).

2. On October 4, 2016, Defendant Ramon Desage advised I was discharged
from all further representation in this matter, effective immediately. I was further advised
by co-counsel, Richard A. Wright, Esq., that Mr. Desage conveyed my discharge to him
and his firm.

3). This withdrawal can be accomplished without adverse effect on the
interests of the client as Mr. Desage will continue to be represented by Richard A. Wright,
Esq. Further, my withdrawal will not delay proceedings in this matter as Mr. Desage's
trial is currently scheduled for July 11, 2017.

I declare under penalty of perjury of the laws of the State of Nevada that the
foregoing is true and correct.

Executed this 5th day of October, 2016.

/s/ Richard B. Herman

RICHARD B. HERMAN, ESQ.

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POINTS AND AUTHORITIES

**THIS COURT SHOULD GRANT MR. HERMAN'S APPLICATION TO
WITHDRAW AS COUNSEL FOR MR. DESAGE**

As set forth in the Declaration of Richard B. Herman, Mr. Herman has good cause to withdraw as counsel under Nevada Rule of Professional Conduct ("NRPC") 1.16, which provides, in pertinent part, a lawyer may withdraw from representation where:

(a)(3) The lawyer is discharged;

.....

(b)(1) Withdrawal can be accomplished without material adverse effect on the interests of the client;

.....

(b)(7) Other good cause exists for withdrawal.

Per the provisions of Rule IA 11-6 of the Local Rules of the Practice of the United States District Court for the District of Nevada ("LR") governing appearances, substitutions and withdrawals of counsel, an attorney may not "withdraw after appearing in a case except by leave of court after notice is served on the affected client and opposing counsel." *See* LR IA 11-6(b). Further, LR IA 11-6(e) provides "except for good cause shown, no withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any hearing in the case."

The withdrawal can be accomplished without adverse effect on the interests of the client as Mr. Desage already has effective and competent counsel in Richard A. Wright, Esq. Mr. Wright has represented Mr. Desage since the inception of this matter and has been co-counsel with Mr. Herman since the granting of Mr. Herman's Pro Hac Vice Petition on February 18, 2014. Finally, the withdrawal will not delay these proceedings as the trial is currently scheduled for July 11, 2017.

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2 **CONCLUSION**

3 It is respectfully requested that this Court enter an order approving Richard B.
4 Herman's withdrawal as attorney for Defendant Ramon Desage.

5 Dated this 5th day of October, 2016

6
7 Respectfully submitted,
8 RICHARD B. HERMAN, P.C.

9 BY /s/ Richard B. Herman
10 Richard B. Herman, Esquire
11 The Seagram Building
375 Park Avenue, Suite 2607
New York, New York 10152

12 Attorneys for Defendant RAMON DESAGE
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18 **IT IS SO ORDERED.**

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20 **UNITED STATES MAGISTRATE JUDGE**

21 **DATED:** 10-26-2016
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Certificate of Service

In accordance with Rule 49 of the Federal Rules of Criminal Procedure and the Local Rules of the Practice of the United States District Court for the District of Nevada, I certify that I am an attorney in the offices of RICHARD B. HERMAN, P.C. and that on this 5th day of October, 2016, I did cause a true copy of:

MOTION TO WITHDRAW AS ATTORNEY

to be served via electronic service by the U.S. District Court CM/ECF system on the parties on the Electronic Filing System in this action.

/s/ Stefanie V. Plaumann

Stefanie V. Plaumann, Esq.
RICHARD B. HERMAN, P.C.

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